

BILL NO. 97-1

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 97-1

Introduced by Council President Parrott at the request of the County Executive

Legislative Session Day No. 97-1

Date: January 7, 1997

AN EMERGENCY ACT approving and providing for a multi-year Installment Purchase Agreement by Harford County, Maryland to acquire development rights in up to 235 acres of agricultural land located at 1865 Poole Road, Darlington, Maryland 21034 from Imogene W. Barberry, any other owner thereof for a maximum purchase price of \$2,270.00 per acre or portion thereof (excluding one acre for any existing residential dwelling); providing that the County's obligation to pay such purchase price and interest thereon shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to make modifications in such Agreement under certain circumstances; and providing for and determining various matters in connection therewith.

By the Council, January 7, 1997

Introduced, read first time, ordered posted and public hearing scheduled

on: February 4, 1997

at: 7:30 p.m.

By Order: James D. Varmore, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on February 4, 1997, and concluded on February 4, 1997.

James D. Varmore, Secretary

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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RECITALS

1
2 In accordance with the provisions of Section 524 of the
3 Charter of Harford County (the "Charter"), the Annual Budget and
4 Appropriation Ordinance of Harford County, Maryland (the "County")
5 the Budget for fiscal year 1996, Bill No. 95-22 As Amended (the
6 "Budget Ordinance") includes a project permitting the County to
7 enter into installment purchase agreements to acquire development
8 rights in agricultural lands located within the County, which
9 Budget Ordinance was adopted by the County Council of Harford
10 County, Maryland (the "County Council") as the Budget Ordinance, in
11 accordance with the Charter.

12 Section 520 of the Charter provides that "any contract, lease
13 or other obligation in excess of three thousand dollars (\$3,000)
14 requiring the payment of funds from the appropriations of a later
15 fiscal year shall be authorized by legislative act, and Section 524
16 of the Charter provides that the County may enter into installment
17 contracts to purchase easements for agricultural land preservation
18 purposes and pursuant to Bill No. 93-2 passed by the County Council
19 on April 6, 1993, approved by the County Executive of the County on
20 April 20, 1993, and effective on June 21, 1993 (the "Authorizing
21 Act"), the County has been authorized and empowered to enter into
22 such installment purchase agreements.

23 The Authorizing Act provides that after review by the Harford
24 County Agricultural Advisory Board in accordance with the County's
25 Easement Priority Ranking System and approval by the Harford County

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1 Board of Estimates, the County Council, may approve and provide for
2 the acquisition of the development rights in each particular parcel
3 of agricultural land, as defined in the Authorizing Act.

4 Attached to this Ordinance as Exhibit A is an application to
5 sell a development rights easement signed by the landowner whose
6 agricultural land is the subject of this Ordinance.

7 Attached to this Ordinance as Exhibit B are records of The
8 Harford County Agricultural Advisory Board evaluating all
9 applications to offer development right easements to the County,
10 with each application ranked pursuant to the County's easement
11 priority ranking system.

12 The County has now determined to enter into an Installment
13 Purchase Agreement with Imogene W. Barberry, or any other person
14 who is or becomes the owner of all or any portion of the Land
15 (hereinafter defined) prior to execution and delivery of such
16 Agreement, in order to acquire the development rights in
17 approximately 235 acres, more or less, of agricultural land located
18 at 1865 Poole Road, Darlington, Maryland 21034, within the County
19 for an aggregate purchase price not in excess of \$533,450.00, plus
20 interest thereon, the actual amount of the purchase price to be
21 equal to the lesser of such maximum amount or \$2,270.00 times the
22 number of acres in such land (minus one acre for any existing
23 residential dwelling located thereon), upon the terms and
24 conditions hereinafter set forth.

1 NOW, THEREFORE:

2 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD
3 COUNTY, MARYLAND, That

4 (a) Harford County, Maryland (the "County") shall enter
5 into an Installment Purchase Agreement (the "Installment Purchase
6 Agreement") with Imogene W. Barberry, and or any person who is or
7 becomes the owner of all or any portion of the Land (hereinafter
8 defined) prior to the execution and delivery of the Installment
9 Purchase Agreement (the "Seller") in order to acquire the
10 development rights in approximately 235 acres of land, more or
11 less, located at 1865 Poole Road, Darlington, Maryland 21034,
12 within the County (the "Land"), for an aggregate purchase price not
13 in excess of \$533,450.00 (the "Purchase Price"), plus interest
14 thereon as hereinafter provided; provided that the actual amount of
15 the Purchase Price shall be equal to the lesser of such maximum
16 amount or \$2,270.00 multiplied by the number of acres in the Land
17 (minus one acre for any existing residential dwelling located
18 thereon);

19 (b) The Installment Purchase Agreement shall be in
20 substantially the form attached hereto as Exhibit C and made a part
21 hereof, and in such form the Installment Purchase Agreement is
22 hereby approved as to form and content. The Installment Purchase
23 Agreement shall be dated as of the date of its execution and
24 delivery by the County and the Seller (the "Closing Date");

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1 (c) A portion of the Purchase Price, in the amount
2 determined as hereinafter provided, shall be paid in cash on the
3 Closing Date. The balance of the Purchase Price shall be paid to
4 the Seller in each year thereafter to and including a date not more
5 than twenty (20) years after the Closing Date. The dates on which
6 each such installment is payable shall be determined by the County
7 Executive and the Treasurer and shall be inserted in the form of
8 the Installment Purchase Agreement attached hereto as Exhibit C;

9 (d) Interest on the unpaid balance of the Purchase Price
10 shall accrue from the Closing Date and shall be payable at least
11 annually in each year, commencing on the first of such dates to
12 follow the Closing Date and continuing to and including a date not
13 more than 20 years after the Closing Date at an interest rate equal
14 to the yield on U.S. Treasury STRIPS maturing on the date next
15 preceding the final maturity date in the Installment Purchase
16 Agreement determined as of the business day preceding the Closing
17 Date and rounded to the next highest 0.05% per annum. Interest
18 shall be calculated on the basis of a 360-day year of twelve 30-day
19 months;

20 (e) The County's obligation to make payments of the
21 Purchase Price under the Installment Purchase Agreement and to pay
22 interest thereon is and shall be a general obligation of the County
23 and is and shall be made upon its full faith and credit.

24 SECTION 2. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
25 HARFORD COUNTY, MARYLAND,

1 That it is hereby found and determined that:

2 (a) The acquisition of the development rights in the
3 Land as set forth in Section 1 of this Ordinance and in the form of
4 the Installment Purchase Agreement attached hereto as Exhibit C is
5 in the best interests of the County;

6 (b) The Installment Purchase Agreement is a contract
7 providing for the payment of funds at a time beyond the fiscal year
8 in which it is made and requires the payment of funds from
9 appropriations of later fiscal years;

10 (c) Funds for the payment of the Purchase Price under
11 the Installment Purchase Agreement are included in the Budget
12 Ordinance, As Amended;

13 (d) The County shall acquire the development rights in
14 the Land in perpetuity;

15 (e) The Purchase Price is within the legal limitation on
16 the indebtedness of the County as set forth in Article 25A, § 5(P)
17 of the Annotated Code of Maryland;

18 (f) The cost of acquiring the development rights in the
19 Land is equal to the Purchase Price;

20 (g) The only practical way to acquire the development
21 rights in the Land is by private negotiated agreement between the
22 County and the Seller.

23 SECTION 3. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
24 HARFORD COUNTY, MARYLAND, That the Installment Purchase Agreement
25 shall be signed by the County Executive of the County (the "County

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Executive") by her manual signature, and the Installment Purchase Agreement shall bear the corporate seal of the County, attested by the manual signature of the Director of Administration of the County (the "Director of Administration"). In the event that any officer whose signature shall appear on the Installment Purchase Agreement shall cease to be such officer before the delivery of the Installment Purchase Agreement, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

SECTION 4. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND, That the County Executive and the Treasurer are hereby authorized, prior to execution and delivery of the Installment Purchase Agreement, to make such changes or modifications in the form of the Installment Purchase Agreement attached hereto as Exhibit C as may be required or deemed appropriate by them in order to accomplish the purpose of the transactions (including, but not limited to, determining the portion of the Purchase Price to be paid in cash on the Closing Date and establishment of interest and principal payment dates in each year that the Installment Purchase Agreement is outstanding) authorized by this Ordinance; provided that such changes shall be within the scope of the transactions authorized by this Ordinance and the execution of the Installment Purchase Agreement by the County Executive shall be conclusive evidence of the approval by the County Executive of all changes or modifications in the form of

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1 the Installment Purchase Agreement and shall thereupon become
2 binding upon the County in accordance with its terms, as authorized
3 by Section 524 of the Charter and the Authorizing Act
4 (collectively, the "Enabling Legislation"), and as provided for in
5 this Ordinance.

6 SECTION 5. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
7 HARFORD COUNTY, MARYLAND, That the County Executive, the Director
8 of Administration, the Treasurer of the County and other officials
9 of the County are hereby authorized and empowered to do all such
10 acts and things and to execute, acknowledge, seal and deliver such
11 documents (including a Tax Certificate and Compliance Agreement)
12 and certificates as the County Executive may determine to be
13 necessary to carry out and comply with the provisions of this
14 Ordinance subject to the limitations set forth in the Enabling
15 Legislation and any limitations set forth in this Ordinance.

16 SECTION 6. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
17 HARFORD COUNTY, MARYLAND, That the Treasurer of the County is
18 hereby designated and appointed as registrar and paying agent for
19 the Installment Purchase Agreement (the "Registrar"). The
20 Registrar shall maintain, or cause to be maintained, books of the
21 County for the registration and transfer of ownership of the
22 Installment Purchase Agreement. In addition, the County may, from
23 time to time, designate and appoint the Department of the Treasury
24 of the County, any officer or employee of the County or one or more
25 banks, trust companies, corporations or other financial

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1 institutions to act as a substitute or alternate registrar or
2 paying agent for the Installment Purchase Agreement, and any such
3 substitute or alternate shall be deemed to be the Registrar or an
4 alternate Registrar for all purposes specified in the resolution
5 appointing such substitute or alternate. Any such appointment
6 shall be made by the County Council by resolution and the exercise
7 of such power of appointment, no matter how often, shall not be an
8 exhaustion thereof.

9 SECTION 7. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
10 HARFORD COUNTY, MARYLAND, That for the purpose of paying the
11 installments of the Purchase Price when due and payable and the
12 interest on the unpaid portion of the Purchase Price when due and
13 payable, there is hereby levied, and there shall hereafter be
14 levied in each fiscal year that any portion of the Purchase Price
15 payable under the Installment Purchase Agreement remains
16 outstanding, *ad valorem* taxes on real and tangible personal
17 property and intangible property subject to taxation by the County,
18 without limitation of rate or amount, and, in addition, upon such
19 other intangible property as may be subject to taxation by the
20 County within limitations prescribed by law, in an amount
21 sufficient, together with the portion of the transfer tax imposed
22 on transfers of real property in Harford County which is dedicated
23 to agricultural land preservation and other available funds, to pay
24 any installment of the Purchase Price under the Installment
25 Purchase Agreement maturing during the succeeding year and to pay

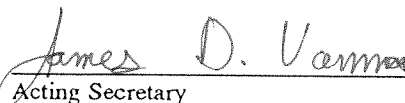
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1 the annual interest on the outstanding balance of the Purchase
2 Price until all of the Purchase Price under the Installment
3 Purchase Agreement and such interest have been paid in full; and
4 the full faith and credit and the unlimited taxing power of the
5 County are hereby irrevocably pledged to the punctual payment of
6 the Purchase Price under the Installment Purchase Agreement and the
7 interest on the unpaid balance of the Purchase Price as and when
8 the same respectively become due and payable.

9 SECTION 8. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
10 HARFORD COUNTY, MARYLAND, That this Act is an emergency act
11 necessary for agricultural land preservation purposes pursuant to
12 the Authorizing Act in order to preserve the County's farm land and
13 to protect the health and welfare of the citizens of Harford
14 County, and shall take on the date it becomes law.

EFFECTIVE: February 11, 1997

The Secretary of the Council does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.



Acting Secretary

TLMAB:HARFORD CO '96 AGLAND\BARBERRI.ORD
January 2, 1997

HARFORD COUNTY BILL NO. 97-1(Brief Title) Ag. Land Preservation - Barberry Property -
Deadline Extension

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Vannoy
Acting Council AdministratorLoanne J. Barrett
President of the CouncilDate February 4, 1997Date 2/4/97

BY THE COUNCIL

Read the third time.

Passed: LSD 97-4 (February 4, 1997)

Failed of Passage: _____

By Order

James D. Vannoy
Acting Council AdministratorSealed with the County Seal and presented to the County Executive for approval this 6th day of February, 1997 at 3:00 p m.James D. Vannoy
Acting Council Administrator

BY THE EXECUTIVE

Edwin M. Rehman
COUNTY EXECUTIVEAPPROVED: Date February 11, 1997

BY THE COUNCIL

This Bill (No. 97-1), having been approved by the Executive and returned to the Council, becomes law on February 11, 1997.

James D. Vannoy
Acting Council Administrator

EFFECTIVE DATE: February 11, 1997